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BEFORE THE ARIZONA CORPORATION COMMISSION AZ CORP COMMISSION DOCKET CONTROL

COMMISSIONERS 2016 SEP -9 P 4: 52 DOUG LITTLE - CHAIRMAN

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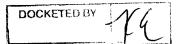
IN THE MATTER OF THE APPLICATION OF ARIZONA PUBLIC SERVICE COMPANY FOR A HEARING TO DETERMINE THE FAIR VALUE OF THE UTILITY PROPERTY OF THE COMPANY FOR RATEMAKING PURPOSES, TO FIX A JUST AND REASONABLE RATE OF RETURN THEREON, TO APPROVE RATE SCHEDULES DESIGNED TO DEVELOP SUCH RETURN.

IN THE MATTER OF FUEL AND PURCHASED POWER PROCUREMENT AUDITS FOR ARIZONA PUBLIC SERVICE **COMPANY**

DOCKET NO. E-01345A-16-0036

Arizona Corporation Commission DOCKETED

SEP 0 9 2016



DOCKET NO. E-01345A-16-0123

MOTION TO SEVER

Arizona Public Service Company ("APS" or the "Company") respectfully requests that the subpoenas Commissioner Burns filed under this docket on August 25, 2016, and related filings, be severed from Docket E-01345A-16-0123 (the "APS Rate Case Docket").

The APS Rate Case Docket was opened on January 29, 2016, when APS gave notice of its intent to file an application for the establishment of just and reasonable rates. On June 1, 2016, APS filed its application to set rates, its first rate case in five years.

On August 25, 2016, Commissioner Burns filed his subpoenas in the APS Rate Case Docket, even though a docket concerning the content and issues raised in the subpoenas already exists, and has attracted intervenors interested in those topics. On the same date as this Motion to Sever, APS is filing before the Commission a Motion to Quash the subpoenas. The

subpoenas, the Motion to Quash, and any related filings should be severed from the APS Rate Case Docket because they have no inherent connection to APS's rate case, and consideration of the subpoenas will unduly expand and broaden what is already a complex, resource-intensive proceeding.

As shown on the docket, APS's rate case application has drawn a large number of intervenors and comments from the public. The massive amount of discovery that occurs in APS rate cases has already begun in this rate case, and this fact-finding process will only become more complex and intricate. Layering litigation regarding Commissioner Burns's subpoena on top of this discovery process, as well as the motion practice and other procedural issues that might arise during the rate case, would expand the issues in this proceeding and undermine the orderly and timely processing of the rate case. As discussed in the Motion to Quash, the bulk of information sought in the subpoena is irrelevant to the pending rate case. The APS Rate Case Docket concerns APS's application for the setting of rates based on a 2015 test year; the subpoena, however, seeks information from 2011-2016. Moreover, the subpoenas seek information from Pinnacle West Capital Corporation, APS's parent company, which is not a party to APS's rate case. Like the pursuit of information regarding non-Test Year periods, the pursuit of information from Pinnacle West would unduly expand these issues.

Severing would allow the Commission to deal with the subpoenas and any related litigation in an efficient manner without negatively impacting its administration of the rate case.

Accordingly, to promote the efficient administration of both the rate case and the subpoena, APS respectfully requests that Commissioner Burns's August 25 subpoena, APS's Motion to Quash, and any related proceedings be severed from the APS Rate Case Docket and be moved to a separate docket, or to Docket No. AU-00000A-15-0309.

DATED this 9th day of September, 2016. 1 ARIZONA PUBLIC SERVICE COMPANY 2 Mary R. O'Grady Joseph W. T. 3 4 Joseph N. Roth 5 Osborn Maledon, P.A. 2929 North Central Avenue, 21st Floor 6 Phoenix, Arizona 85012-2793 mogrady@omlaw.com 7 jroth@omlaw.com 8 Attorneys for Arizona Public Service Company 9 Original and 13 copies of the foregoing 10 filed this 9th day of September, 2016, with: 11 **Docket Control** 12 Arizona Corporation Commission 1200 West Washington Street 13 Phoenix, Arizona 85007 14 Copies of the foregoing hand-delivered/mailed/e-mailed 15 this 9th day of September, 2016, to: 16 Teena Jibilian, 17 Administrative Law Judge Hearing Division 18 Arizona Corporation Commission 400 West Congress 19 Tucson, Arizona 85701 20 Maureen Scott 21 Legal Division Arizona Corporation Commission 22 1200 West Washington Street 23 Phoenix, Arizona 85007 24 Thomas Broderick, Director

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